

Remarks

This Application has been carefully reviewed in light of the nonfinal Office Action mailed November 4, 2003. Applicants note with appreciation the Examiner's allowance of Claims 8-14 and 21. Applicants respectfully request allowance of all pending claims.

Independent Claims 1 and 15 are Allowable Over *Maslowski*

The Examiner rejects Claims 1, 3-5, and 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,823,276 to Maslowski et al. ("*Maslowski*"). The Examiner rejects Claims 2, 6-7, 15-19, and 22 under 35 U.S.C. § 103(a) as being obvious in light of *Maslowski*.

Maslowski merely discloses a rotating shaft disposed along the center axis of a hollow cylinder that bears a mirror carrier at its upper end. (Column 2, Lines 38-40). A mirror at the upper end of the rotating shaft reflects light beams onto a tape-type carrier that is advanced helically inside the hollow cylinder. (Column 2, Lines 40-44 and 54-58; Figures 6a and 6b).

In contrast, independent Claim 1 of this Application recites the following:

Apparatus for scanning a beam of light in a digital image recorder, comprising:
a curved writing surface;
a rotatable shaft having a first reflective surface, the curved writing surface translating in at least one direction relative to the first reflective surface;
a translator coupled to the curved writing surface causing the translation of the curved writing surface; and
a light source emitting a beam of light directed to the reflective surface for reflection to the curved writing surface.

Independent Claim 15 recites certain substantially similar limitations. *Maslowski* fails to disclose, teach, or suggest limitations recited in independent Claim 1, whether *Maslowski* is considered alone or in combination with knowledge that was generally available to one of ordinary skill in the art at the time of invention.

As an example, *Maslowski* clearly fails to disclose, teach, or suggest ***the curved writing surface translating in at least one direction relative to the first reflective surface***, as recited in

independent Claim 1. Instead, *Maslowski* merely discloses that a tape-type carrier is advanced helically inside a hollow cylinder. Even assuming for the sake of argument that *Maslowski*'s hollow cylinder could be properly considered *the curved writing surface* recited in independent Claim 1, nowhere does *Maslowski* disclose, teach, or even suggest that the hollow cylinder translates in any direction, much less *in at least one direction relative to the first reflective surface*.

For at least these reasons, independent Claims 1 and 15 are patentably distinct from *Maslowski*, whether *Maslowski* is considered alone or in combination with knowledge that was generally available to one of ordinary skill in the art at the time of invention. Accordingly, Applicants respectfully request allowance of independent Claims 1 and 15 and all their dependent claims.

Comments on Statement of Reasons for Allowance

Applicants appreciate the Examiner's allowance of Claims 8-14 and 21. Pursuant to 37 C.F.R. § 1.104(e), Applicants respectfully issue a statement commenting on the Examiner's reasons for allowance. Applicants respectfully disagree with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicants do not admit to any characterization or limitation of the claims, particularly any that are inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations, or to any characterization of a reference by the Examiner.

CONCLUSION

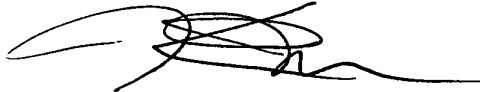
For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case, the Examiner is invited to call Kevin J. Meek, attorney for Applicants, at 214.953.6680.

Applicants believe no fees are due. Nonetheless, the Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants

A handwritten signature in black ink, appearing to be 'Kevin J. Meek', with a long horizontal line extending to the right.

Kevin J. Meek
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